

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Payam Ghaderi,

NO. C 04-02925 JW

Plaintiff,

**ORDER TO SHOW CAUSE RE:
DISMISSAL FOR FAILURE TO
PROSECUTE**

v.

Roxy Hariri, et al.,

Defendants.

Payam Ghaderi ("Plaintiff"), in *pro se*, brings this action against Santa Clara Deputy District Attorney Roxy Hariri and Hariri's unnamed supervisor ("Defendants"), for alleged violations of 42 U.S.C. § 1983. On December 20, 2006, the parties attended a Settlement Conference, but did not settle. (See Docket Item No. 107.) On December 28, 2006, Defendants filed their Motion for Summary Judgment and noticed it for a hearing on February 5, 2007. (See Docket Item No. 109.) On its own motion, the Court continued the hearing to March 19, 2007. (See Docket Item No. 118.)

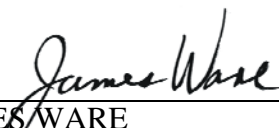
However, on March 13, 2007, Magistrate Judge Trumbull issued an Order Granting Defendant Roxy Hariri's Motion to Withdraw Admissions. (See Docket Item No. 131.) Among other things, Judge Trumbull granted Plaintiff limited relief from the discovery cut-off deadline to allow Plaintiff time to depose Defendant Hariri and non-party witness Mendoza. The order did not specify a deadline for these additional depositions. In light of the Judge Trumbull's extension of the discovery cut-off date, and the uncertainty with respect to the schedule, the Court ordered off-calendar Defendants' Motion for Summary Judgment as premature. (See Docket Item No. 132.)

1 The Court stated that Defendants may refile and renote their motion once the additional discovery
2 is completed.

3 Since March 14, 2007, neither party has taken any action in this case. However, it is
4 Plaintiff's duty to prosecute his case. Accordingly, the Court hereby orders the parties to appear in
5 Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose,
6 California on **March 17, 2008 at 9:00 a.m.** to show cause, if any, why the case should not be
7 dismissed pursuant to Fed. R. Civ. P. 41(b) for lack of prosecution. On or before **March 10, 2008**,
8 the parties shall file a certification in response to the Order to Show Cause. The statement shall set
9 forth the status of the litigation and the reason no action has been taken for almost a year.

10 If no certification is filed, the **March 17, 2008** hearing will be vacated automatically and the
11 case will be dismissed. Failure to comply with any part of this Order will be deemed sufficient
12 grounds to dismiss this action.

13
14 Dated: February 29, 2008



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 John Lewis Winchester john.winchester@cco.sccgov.org
3 Michael L. Rossi michael.rossi@cco.co.scl.ca.us
4 Paul T. Hammerness paul.hammerness@doj.ca.gov

5 Payam Ghaderi
6 Post Office Box 9045
7 San Jose, CA 95157

8
9 **Dated: February 29, 2008**

Richard W. Wieking, Clerk

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11 **By: /s/ JW Chambers**
12 **Elizabeth Garcia**
13 **Courtroom Deputy**
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